

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re: Tyrone G. Harper,

Debtor.

Case No. 15-20403
Judge: GMH
Chapter 13

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Debtor has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before **21 days** after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue
Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Attorney Kyle R. Knutson
Lombardo Law Office
10919 West Bluemound Road
Suite 200
Milwaukee, WI 53226

If you, or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

Lombardo Law Office
10919 W. Bluemound Rd., Suite 200
Milwaukee, WI 53226
Tel: 414-543-3328
Fax: 414-543-0786

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
 X the Debtor;
 the Chapter 13 Trustee (post-confirmation modifications only);
 the holder of an unsecured claim (Name:) (post-confirmation modifications only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
A. post-confirmation;
B. X pre-confirmation (Select i. or ii.);
 - i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
 - ii. X Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are:

Dane County Child Support Agency
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: Provide for payment of only the portion of Debtor's child support arrears required by 11 U.S.C. § 507(a)(1)(A), and reduce Debtor's plan payments.
4. The reason(s) for the modification is/are: Because the total claim for Debtor's child support arrears came in higher than expected, and in order to ensure that his payments are affordable, Debtor has elected under §1322(a)(4) to pay only the portion of the DSO claim entitled to priority under §507(a)(1)(A). This change enables Debtor to reduce his payments and make them more affordable.
5. Select A. or B.
 - A. The Chapter 13 Plan confirmed or last modified on , is modified as follows: (*State the specific language of the modification.*)
 - B. The unconfirmed Chapter 13 Plan dated January 19, 2015, is modified as follows:

(1) **Plan Payments and Length of Plan.** Debtor will pay the sum of **\$420.00 per month** for the remainder of the plan to the Trustee by ☐ Periodic Payroll Deduction(s) or by ☒ **Direct Payment(s)** for the period of **60 months**. The duration of the plan may be less if all allowed claims in every class, other than long-term claims, are paid in full.

(2) **Priority Claims.**

(A). Domestic Support Obligations (DSO).

☐ If checked, Debtor does not have any anticipated DSO arrearage claims or DSO arrearage claims assigned, owed or recoverable by a governmental unit.

☒ If checked, Debtor has anticipated DSO arrearage claims or DSO arrearage claims assigned, owed or recoverable by a governmental unit. Unless otherwise specified in this Plan, priority claims under 11 U.S.C. 507(a)(1) will be paid in full pursuant to 11 U.S.C. 1322(a)(2). A DSO assigned to a governmental unit might not be paid in full. 11 U.S.C. 507(a)(1)(B) and 1322(a)(2).

(a) DSO Creditor Name and Address	(b) Estimated Arrearage Claim	(c) Total Paid Through Plan
Dane County Child Support Agency	\$30,103.48	\$17,939.19
Totals	\$30,103.48	\$17,939.19

(B). Other Priority Claims (e.g., tax claims). These priority claims will be paid in full through the plan.

(a) Creditor	(b) Estimated Claim
Dane County Child Support	
Totals	\$

Total Priority Claims to be paid through plan: \$17,939.19

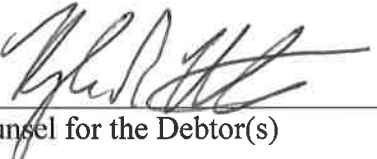
(3) **Special Provisions.** Debtor hereby elects under 11 U.S.C. § 1322(a)(4) to pay only those DSO arrearage claims entitled to priority under 11 U.S.C. § 507(a)(1)(A). The DSO arrearage claims assigned, owed directly to or recoverable by a governmental unit (Dane County Child Support Agency) under 11 U.S.C. § 507(a)(1)(B) shall not be paid unless all other secured and priority claims have been paid pursuant to the terms of this plan, and unless all general unsecured claims have been paid the distribution required by the terms of this plan.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

CERTIFICATION

I, Kyle R. Knutson, attorney for Debtor(s) Tyrone Harper, certify that I have reviewed the modification proposed above with the Debtor(s), and that the Debtor(s) has/have authorized me to file it with the Court.



Counsel for the Debtor(s)

5-5-15

Date

WHEREFORE, the Proponent requests that the Court approve the modification to the Chapter 13 Plan as stated herein.

Dated May 5, 2015 at Wauwatosa, Wisconsin.

LOMBARDO LAW OFFICE
Attorneys for Tyrone Harper

By: 

Attorney Kyle R. Knutson
State Bar No. 1056402
Lombardo Law Office
10919 West Bluemound Road
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CERTIFICATE OF SERVICE

The undersigned, Wendi Lombardo of Lombardo Law Office, does hereby certify that a copy of this Certificate of Service and a copy of the attached Notice and Request to Modify Chapter 13 Plan were mailed to the persons mentioned below, at their respective addresses, postage prepaid, by depositing them in the U.S. Mail at Wauwatosa, WI on May 5, 2015:

Tyrone Harper
PO Box 241932
Milwaukee, WI 53224

Dane County Child Support
Agency
210 Martin Luther King Jr.
Blvd., Room 365
Madison, WI 53703

The undersigned, Wendi Lombardo, further certifies that service of the above-referenced documents was made by ECF Notice of Electronic Filing to the following parties:

Mary B. Grossman, Chapter 13 Trustee
Office of the United States Trustee

Dated this 5th day of May, 2015.

By: _____

Wendi Lombardo

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